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Response to Office Action dated September 27, 2006
Tom Campbell - Inventor

11. (Cancelled) The system of claim 10 wherein the platform is adjustable in a heightwise direction.

12. (New) The cargo container system of claim 10, wherein the base is configured to support the cargo container off the floor of the refrigerated rail car, thus creating an air circulation plenum between the floor of the refrigerated rail car and the cargo.

13. (New) The cargo container system of claim 10, wherein the platform is configured to support a second tier of cargo thereon.

14. (New) The cargo container system of claim 10, wherein the retractable conveyor is pneumatically actuated and is configured to be retracted into the floor of the refrigerated rail car.

Remarks

The Final Office Action dated September 27, 2006 has been received and carefully noted. In response thereto, Applicants request entry and consideration of the above noted amendments and the following remarks. Applicants have submitted herewith a Petition for Extension of time Under 37 CFR §1.136 and the appropriate fee to render this Response timely and acceptable to the Office. Claims 1, 2, 4-6, and 10 have been amended, claims 7, 8, and 11 have been cancelled, and new claims 12-14 have been presented. Applicants submit that no new matter has been introduced, and therefore, claims 1-6, 9-10, and 12-14 are pending and submitted for consideration herein.

On page 2 of the Office Action, claims 1-4 and 9-11 were rejected under 35 USC §103(a) as being obvious over *Grob* (US Patent No. 1,783,363) and

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Gibson (US Patent No. 6,520,729) in view of *Erismann* (US Patent No. 3,400,671). The Office Action took the position that the cited combination of references renders Applicants' claims 1-4 and 9-11 obvious. Applicants traverse the rejection and respectfully submit that the rejected claims recite subject matter that is not taught, shown, or otherwise suggested by the cited prior art.

Applicants' independent claim 1 recites a system for centralized transfer of cargo to and from rail cars that includes a palletized cargo container. The cargo container is expressly recited as including a base, two side walls extending upward from said base, and a platform secured to said side walls. The system further includes a pneumatically retractable conveyor positioned in the floor of the rail car so that the palletized cargo container is movable on said pneumatically retractable conveyor. The retractable conveyor positioned in the floor of the rail car allows for freight to be moved into the car and then secured therein simply by retracting the conveyor and allowing the cargo container to sit (frictionally engaged) on the floor of the rail car.

Applicants' independent claim 10 recites a cargo container system that includes a rail car having a retractable conveyor positioned in the floor, and a palletized cargo container specifically adapted for shipping cargo in the rail car. The container includes a base, two side walls extending upward from said base, a platform secured to said side walls, and an open top, wherein the rail car has a conveyor means on the floor thereof; and wherein the palletized cargo container is movable on said retractable conveyor. Again, the retractable conveyor positioned in the floor of the rail car allows for freight to be moved into the car and then secured therein simply by retracting the conveyor and allowing the cargo container to sit (frictionally engaged) on the floor of the rail car.

Grob teaches a rail car having anti-friction ball casters (28) on the floor and sides thereof to facilitate movement of freight therein. There is no mention (or

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suggestion) that the castors are in any way retractable in *Grog*. *Gibson* teaches a freight container (1) which has a plurality of cells (7) each for containing a discrete load and a conveyor (10) for conveying loads between cells (7). Plural discrete loads are loaded into the container (1) and the loads are allocated amongst the cells (7) according to the destinations of the individual loads and then each individual load is conveyed to its allocated cell (7). There is no mention (or suggestion) that the conveyors are in any way retractable in *Gibson*. *Erismann* teaches a pallet stacking arrangement with no conveyors or castors whatsoever.

Therefore, none of the cited prior art references teaches, shows, or suggests the pneumatically retractable conveyor positioned in the floor of the rail car so that the palletized cargo container is movable (and securable when the conveyor is retracted) thereon, as recited in each of Applicants' claims. The retractable conveyor positioned in the floor of the rail car allows for freight to be moved into the car (rolled on the conveyor) and then secured in the rail car simply by retracting the conveyor and allowing the cargo container to sit (frictionally engaged) on the floor of the rail car (as normal palletized freight would generally sit and be secured) where it can no longer roll, as the conveyor is retracted into the floor. None of the cited prior art references teach, show, or even suggest this limitation (which is expressly included in each of Applicants' claims), and therefore, Applicants submit that each of claims 1-6, 9-10, and 12-14 recites subject matter that is not taught, shown, or otherwise suggested by the cited prior art, when taken alone or in combination. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

On page 3 of the Office Action, claim 5 was rejected under 35 USC §103(a) over *Grob*, *Gibson*, and *Erismann*, further in view of *Leech* (US Patent No. 1,830,740). Similarly, claim 6 was rejected under 35 USC §103(a) over *Grob*, *Gibson*, and *Erismann*, further in view of *Hester* (US Patent No.

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2,102,844). On page 4, claim 7 and 8 were rejected under 35 USC §103(a) over *Grob, Gibson, and Erismann*, further in view of *Norris* (US Patent No. 3,834,562). However, none of the references cited in support of these §103 rejections teaches the palletized cargo container recited in Applicants' claims, wherein the cargo container is loaded into a rail car that has a pneumatically retractable conveyor positioned in the floor of the rail car. As noted above, the retractable conveyor allows for the cargo container (or containers) to be loaded with the conveyor is extended from the floor of the rail car, and then the conveyor is retracted into the floor to allow the cargo container to sit secured on the floor of the rail car for transport. None of the cited prior art references teaches, shows, or suggests this limitation, and as such, reconsideration and withdrawal of the rejection of the claims is respectfully requested.

In conclusion, Applicant submits that each of claims 1-6, 9-10, and 12-14 recites subject matter that is not taught, shown, or otherwise suggested by the cited combination of prior art references cited by the examiner. Specifically, Applicant submits that the cited combination of references fails to teach, show, or suggest a pneumatically retractable conveyor positioned in the floor of a rail car for use on conjunction with a palletized cargo container. As such, Applicant submits that the cited references, when taken alone or in combination, fail to anticipate or render obvious the subject matter recited in each of Applicants' claims 1-6, 9-10, and 12-14. Therefore, reconsideration and withdrawal of the rejection of claims 1-6, 9-10, and 12-14 is respectfully requested.

Respectfully submitted,


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